
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

BENJAMIN VIENT,

Plaintiff,

v.

ANCESTRY,

Defendant.

**ORDER ADOPTING & AFFIRMING
REPORT & RECOMMENDATION**

Case No. 2:19CV51-DAK-CMR

Judge Dale A. Kimball

Magistrate Judge Cecilia M. Romero

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Cecilia M. Romero under 28 U.S.C. § 636(b)(1)(B). On January 5, 2021, Magistrate Judge Romero issued a Report and Recommendation, recommending that Defendant's Motion to Dismiss [ECF No. 55] be granted, Plaintiff's Motion for Extension of Time for Service [ECF No. 60] be denied, Plaintiff's Motion for Leave to Amend Complaint [ECF No. 61] be denied, and the Amended Complaint be dismissed with prejudice.

The Report and Recommendation notified the parties that any objection to the Report and Recommendation was required to be filed within fourteen days of receiving it. Plaintiff requested an extension of that time, which the court granted. On February 1, 2021, Plaintiff filed his objections to the Report and Recommendation.

The court has reviewed the case *de novo*, including the Amended Complaint, the briefing

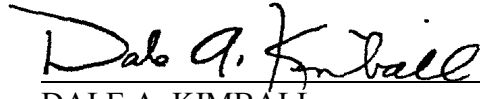
on Defendant's motion to dismiss, the briefing on Plaintiff's motions, and the Report and Recommendation. The court agrees with the analysis of the Report and Recommendation in its entirety. Despite the court's prior instructions to Plaintiff regarding service, he ignored the court's orders, failed to cure known service defects, and did not timely serve Defendant. Moreover, the court's January 23, 2020 order granted Plaintiff one final opportunity to amend his complaint and effect service of process. But Plaintiff's Amended Complaint remains too vague and conclusory to state a plausible claim against Defendant. Plaintiff presents no legal or factual basis for allowing yet another amendment. The court, therefore, affirms and adopts the Report and Recommendation as the Order of the court.

After filing his objection to the Magistrate Judge's report and Recommendation, Plaintiff filed additional motions for extension of time to serve and to file an amended complaint [ECF Nos. 72 and 73]. These motions are repetitive of his prior motions and objection to the Report and Recommendation and merely rehash the same arguments. None of these new motions change the court's analysis. Accordingly, the court denies these new motions as well.

Accordingly, Defendant's Motion to Dismiss [ECF No. 55] is GRANTED, Plaintiff's Motion for Extension of Time for Service [ECF No. 60] is DENIED, Plaintiff's Motion for Leave to Amend Complaint [ECF No. 61] is DENIED, Plaintiff's Motion for Reconsideration of Extension of Time for Service and Acceptance of Service [ECF No. 72] is DENIED, Plaintiff's Motion to Amend [ECF No. 73] is DENIED. The court, therefore, dismisses Plaintiff's Amended Complaint and this action with prejudice.

DATED this 3rd day of February, 2021.

BY THE COURT:



DALE A. KIMBALL
United States District Judge